

MAR 21 2001

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Las Vegas and Pecos, New Mexico))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Meadows Media, LLC ("Meadows" or "Petitioner") is the permittee of FM broadcast station KTRL, authorized to operate on Channel 275C2 at Las Vegas, New Mexico¹. Petitioner, by its attorneys and pursuant to Section 1.420 of the Commission's Rules, hereby requests that the Commission amend Section 73.202(b) of its Rules to reallocate Channel 275C2 from Las Vegas to Channel 275C3, Pecos, New Mexico, and to modify the station authorization accordingly. Meadows also requests that the Commission substitute Channel 283C2 for Channel 275C2 at Las Vegas. In support thereof, Petitioner shows the following:

The Commission has found Pecos, New Mexico, to be a "community" for purposes of the FM table of allotments and has allotted Channel 268C3 to that community. MM

¹ FCC File No. BMPH-19991220ACQ.

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Docket 00-5, RM-9752, (July 14, 2000). Pecos is a community with a 1990 U.S. Census population of 1,012 residents. It is located in San Miguel County. The population of Pecos is 76% Hispanic. Pecos has its own post office and zip code. Pecos has a functioning city government (as an incorporated New Mexico village) composed of a mayor, four council members and a municipal court. The city provides police and fire services. Pecos also maintains its own school system (the Pecos Independent Schools), consisting of elementary, middle and senior high schools. The community is home to numerous commercial establishments, including several restaurants, a bank and a credit union. Pecos is the site of the district office for the Pecos Wilderness, which is part of the Santa Fe National Forest. It is home to a state fish hatchery.

Pecos has a Benedictine Monastery, home to about 100 monks who host annually numerous workshops and seminars. In addition, the Church of Christ and St. Anthony's Church are located in Pecos. St. Anthony's Church is at the very core of this mostly Roman Catholic community. St. Anthony's began when missionaries arrived in the 1620's at the nearby Pecos Pueblo, now a National Historic Park. Pecos Pueblo was the site of an active Native American community of 2,000 people or more between approximately 1450 and 1838 AD. Today's St. Anthony's is the fourth building in the church's nearly four hundred year history. It is home to most of the weddings, baptisms and funerals in Pecos. (See Exhibit 1 for a partial listing of commercial and public institutions serving Pecos.)

In view of these economic, governmental and cultural factors, Pecos should be treated as a community for allotment purposes. *Cal-Nev-Ari, Boulder City, and Las Vegas, Nevada* 14 FCC Rcd 17153 (1999); *Kenansville, Florida*, 10 FCC Rcd 9831(1995).

There is one commercial FM station with a construction permit for Pecos on Channel 268A. If the instant petition is granted, Pecos will have two local FM stations.

In contrast, Las Vegas, New Mexico is served by at least six local transmission services. These include FM radio broadcast stations KMDZ, KBAC, KLVF and KEDP, and AM stations KFUN and KNMX. Moreover, Channel 224A has recently been allotted to Las Vegas (MM Docket 00-85, RM-9868, 15 FCC Rcd 8964 (2000)). An application from Abundant Life Broadcasting is pending for yet another new station on Channel 212A. Therefore, the proposed reallocation of Channel 275C3 from Las Vegas to Pecos will not deprive Las Vegas of its sole local existing service, or even a second, third or fourth local service.

In a recent rule making proceeding, the Commission expressed concern that a proposal to remove Channel 275C2 from Las Vegas would deprive 974 people, within a 1,591 square kilometer area, of a potential second full time aural reception service. (MM Docket No. 00-155, RM-9924) The requested substitution of Channel 283C2 for Channel 275C2 at Las Vegas will provide this second full time aural service to these people. Meadows will apply for a construction permit for a new FM station on Channel 283C2 at Las Vegas when the

Audio Services Division opens a window to accept such applications. If Meadows is granted a construction permit, it will promptly build the station.

The proposed reallocation complies with the Commission's rules and will serve the Commission's allotment priorities and the public interest. In order for the Commission to approve a reallocation plan the channel proposed for a new community must be mutually exclusive with the existing channel, and the new community must be preferred over the existing community under the Commission's allotment priorities. *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, 4874 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

As indicated in the attached Technical Statement (Exhibit 2), the proposed allotment of Channel 275C3 at Pecos is mutually exclusive with the current allotment of Channel 275C2 at Las Vegas. Significantly, the reallocation here will not remove service from a rural area to serve an urban area. Pecos is not located within any urbanized area and the station will not provide a 70 dBu signal over 50% of any urbanized area. Pecos is not a suburb of any larger community. Therefore, this proposed change is in accordance with Section 307(b) of the Communications Act and relevant Commission precedent.

In addition, Petitioner has not yet begun operation under the Channel 275C2 authorization at Las Vegas. Thus, this reallocation request will not cause the removal of an "existing service" upon which the public has come to rely. *See Long Beach and Shallotte, North Carolina*, MM Docket No. 98-149 (March 12, 1999); *Chatom and Grove Hill*,

Alabama, 12 FCC Rcd 7664 (1997); *Douglas, Tifton and Unionville, Georgia*, 10 FCC Rcd 7706 (1995); *Sanibel and San Carlos Park, Florida*, 10 FCC Rcd 7215 (1995). Moreover, the substitution of Channel 283C2 for Channel 275C2 at Las Vegas will continue the availability of an additional service at Las Vegas.

As indicated in the attached Technical Statement, the proposed operation will provide 1 mV/m or better service to 97,398 persons over 5,278 square kilometers, which represents an increase of 77,199 persons over the station's presently authorized facilities. Consequently, the instant proposal will not only provide a second local service to an independent community deserving of service, but also will almost produce a five-fold increase in the population served by this new station, all without removing any service from any person. Petitioner submits that its proposed reallocation is decidedly in the public interest.

If the Commission grants the instant proposal to replace Channel 275C2 at Las Vegas, New Mexico with Channel 275C3 at Pecos, New Mexico and modify the permit for Meadows' station accordingly, Petitioner will file an application for specific facilities on Channel 275C3. Once the application is granted, Petitioner will promptly construct the station with those facilities. Petitioner will also file an application for a new station on Channel 283C2 at Las Vegas.

In view of the foregoing, Meadows Media, LLC respectfully requests that the Commission amend its Table of Allotments, 47 C.F.R. §73.202(b), to substitute Channel

283C2 for Channel 275C2 at Las Vegas, New Mexico and to reallocate Channel 275C2 at Las Vegas, New Mexico to Channel 275C3 at Pecos, New Mexico, as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Las Vegas, NM	244A, 251C, 264C3, 268A, 275C2	244A, 251C, 264C3, 268A, 283C2
Pecos, NM	-----	275C3

Meadows Media, LLC further requests that the Commission modify its construction permit (File No. BMPH-19991220ACQ) to specify operation on Channel 275C3 and Pecos, New Mexico, as its community of license, in lieu of Channel 275C2 and Las Vegas, New Mexico, as its community of license .

Respectfully submitted,

MEADOWS MEDIA, LLC

By: 

Barry D. Wood
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Its attorneys

Dated: March 21, 2001

ENGINEERING STATEMENT

**PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION**

**TO ASSIGN FM CHANNEL 275C3
FOR USE AT PECOS, NEW MEXICO**

**TO ASSIGN FM CHANNEL 283C2
FOR USE AT LAS VEGAS, NEW MEXICO**

MEADOWS MEDIA, LLC

2/2001

Engineering Statement

This Engineering Statement has been prepared on behalf of Meadows Media, LLC ("Meadows"), permittee of FM station KTRL 275C2 Las Vegas, New Mexico, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to:

- 1) Substitute Channel 275C3 at Pecos, New Mexico, for Channel 275C2 at Las Vegas, New Mexico, and modify the permit of station KTRL to specify operation on Channel 275C3 at Pecos, and;
- 2) Allot Channel 283C2 for use at Las Vegas, New Mexico.

Channel 275C3 at Pecos

As outlined in the attached channel study (see Figure 1), Channel 275C3 can be assigned for use at Pecos in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study a reference point at the coordinates NL 35° 40' 15" x WL 105° 33' 06" has been chosen (see Figure 2 and 2A). This site is 15.49 kilometers from Pecos, the coordinates of which are NL 35° 34' 26" x WL 105° 40' 28", which coordinates were retrieved from the Commission's website: "Community Reference Coordinates". The nominal distance to the 70 dBu F(50,50) contour for a Class C3 station is 23.2 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Pecos. As the elevation of the proposed transmitter site is 2969 meters AMSL and Pecos is 2118 meters AMSL, with the proposed antenna center of radiation at 152 meters AGL, the HAAT would be 441 meters. The equivalent Class C3 power for this HAAT is 1.2 kilowatts, and a map is included as Figure 3A which demonstrates that the 70 dBu F(50,50) contour extends well past Pecos.

Engineering Statement, Page 2

Channel 283C2 at Las Vegas

As outlined in the attached channel study (see Figure 4), Channel 283C2 can be allotted for use at Las Vegas in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study the coordinates of the current KTRL permitted site (NL 35° 35' 57" x WL 105° 12' 12") have been used. A map is included (see Figure 5) which demonstrates that the 70 dBu F(50,50) contour extends well past Las Vegas. For Figure 5, the power and antenna height of the existing KTRL Class C2 permit were assumed, an ERP of 26 kilowatts, with an antenna AGL of 72 meters and an HAAT of -5 meters.

Preparer's Statement

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Pecos and Las Vegas, New Mexico, has been prepared on behalf of Meadows Media, LLC. All representations herein are true to the best of my knowledge.

Don Davis
February 28, 2001

PAGE 1 OF 2

SITE

MUNN-REESE, INC.
Broadcast Engineering Consultants
COLDWATER, MI 49036-0220
517-278-7339

Mapesed, edited and published by the Geological Survey
Copyright 1955 and 1958

Formed by (PALS and SWS)

Experiments by glaciologists indicate that the
glaciers in the area of the Teton Range have
retreated about 100 feet since 1900.

Abstract—The purpose of this study was to determine the effect of a 10-week training program on the heart rate (HR) and heart rate reserve (HRR) of sedentary middle-aged men. The subjects were divided into two groups: a control group and a training group. The control group consisted of 10 men who did not participate in any physical activity during the study. The training group consisted of 10 men who participated in a 10-week training program. The training program consisted of three sessions per week, each lasting 30 minutes. The sessions were performed at a heart rate of 150 beats per minute. The HR and HRR were measured at the beginning and end of the study. The results showed that the training group had a significantly higher HR and HRR at the end of the study compared to the control group. The HR increased from 140 to 150 beats per minute, and the HRR increased from 10 to 15 beats per minute. The control group showed no significant change in HR and HRR. The results suggest that a 10-week training program can improve the HR and HRR of sedentary middle-aged men.

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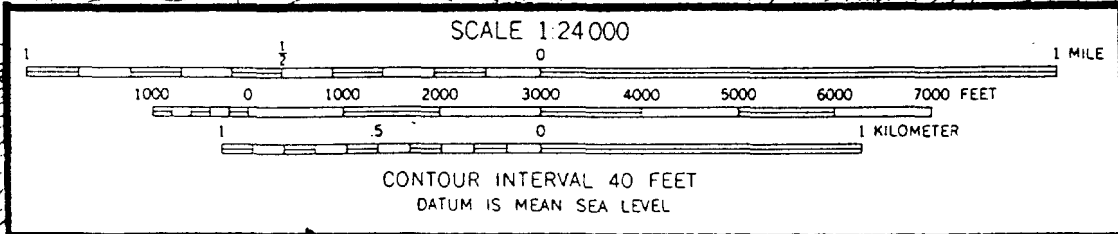
HONEY BOY RANCH N MEX

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1961

FIGURE 2

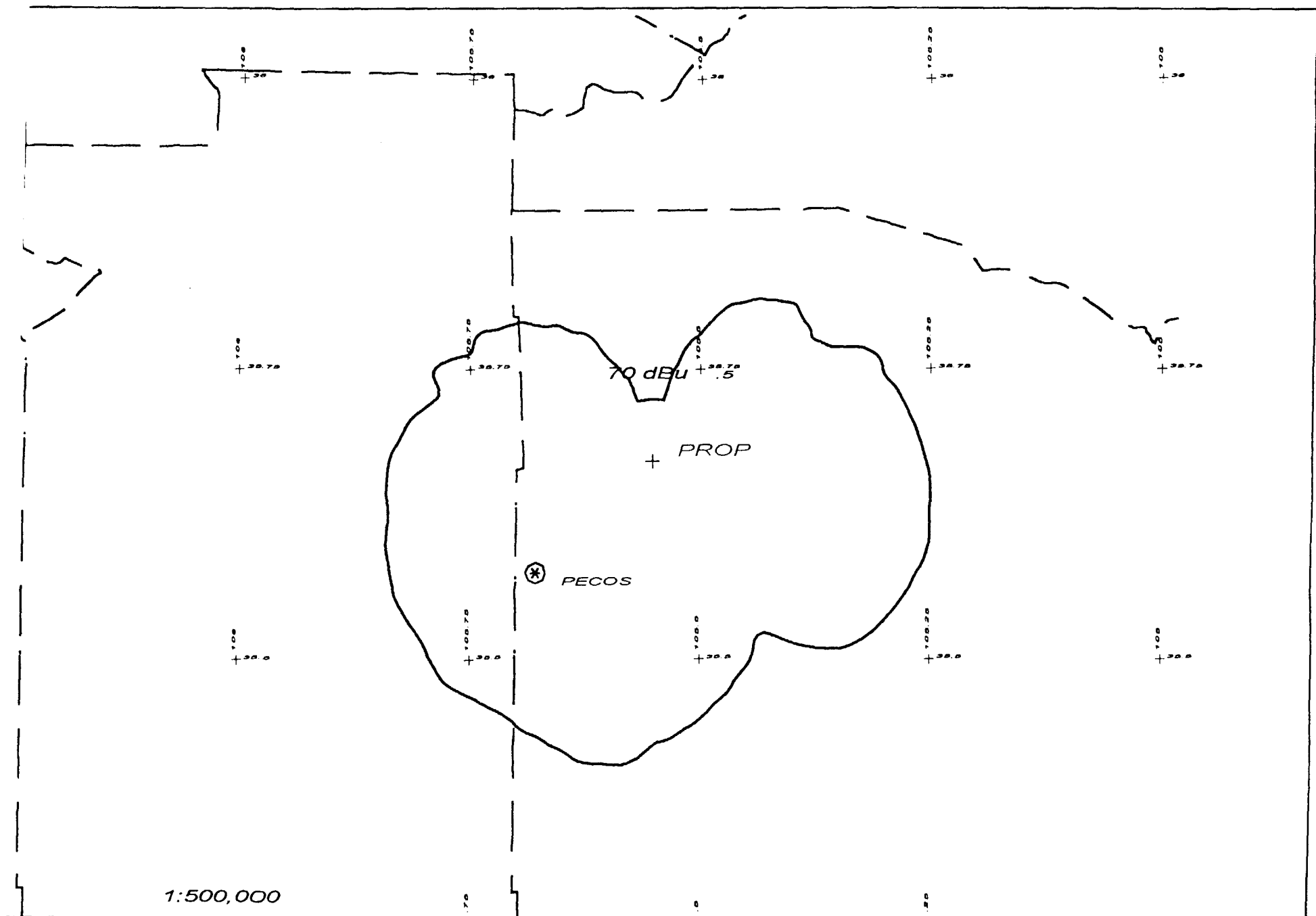
PAGE 2 OF 2



SITE

MUNN-REESE, INC.
Broadcast Engineering Consultants
COLDWATER, MI 49036-0220
517-278-7339

HONEY BOY RANCH, N. MEX.
N3537 5 - W10530 / 7.5
1961
AMS 4855 II NE - SERIES V881



PROP 275C3 1.2kW @ 441 M 3112M AMSL
 N. Lat. 35 40 15 W. Lng. 105 33 06

FIGURE 3A - Pecos, NM
 Munn-Reese Inc - 02/00

FIGURE 4

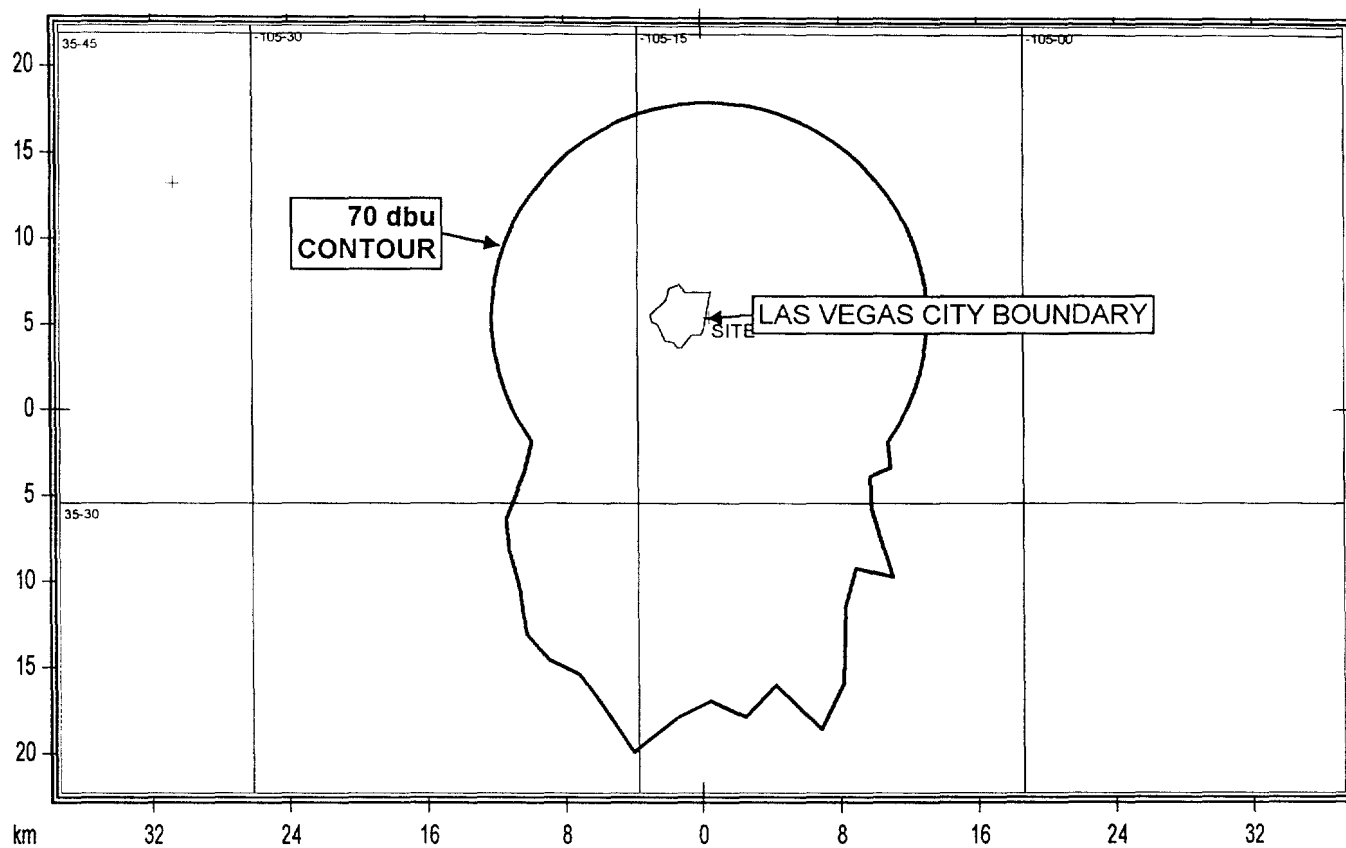
ALLOTMENT STUDY

LAS VEGAS, NEW MEXICO

FM CHANNEL 283C2 (104.5 MHz Class C2) at 35-35-57 N, 105-12-12 W.

CALL	CITY	ST	CHN	CL	DIST	S	BRNG	CLEARANCE
ALC	BEULAH	CO	230	C3	254.71	17	3.6	237.71
ALC	RYE	CO	285	A	258.88	55	5.3	203.88
K280DI	TRINIDAD	CO	280	D	192.36	0	18.6	192.36
K283AC	TUCUMCARI	NM	283	D	146.19	0	110.3	146.19
K284AC	RATON, ETC.	NM	284	D	139.58	0	30.2	139.58
K285AD	ABIQUIU, ETC.	NM	285	D	121.34	0	302.6	121.34
K285EN	ROY	NM	285	D	97.77	0	69.9	97.77
KCHQ	SANTA FE	NM	286	C	121.56	105	280.3	16.56
KKFG	BLOOMFIELD	NM	283	C	259.39	249	297.4	10.39
KLSK	SANTA FE	NM	281	C	121.44	105	280.0	16.44
KMOU	ROSWELL	NM	284	C2	232.54	130	164.3	102.54
KRTN-FM	RATON	NM	229	C2	139.69	20	30.2	119.69
KTEG	BOSQUE FARMS	NM	284	C1	171.66	158	239.2	13.66
KTEG	BOSQUE FARMS	NM	284	C1	176.86	158	239.0	18.86

FM CHANNEL 283C2 70 DBU COVERAGE



LAS VEGAS, NEW MEXICO

City Borders

Lat/Lon Grid